

COUNTY OF YORK

MEMORANDUM

DATE: June 27, 2001 (BOS Mtg.8/07/01)

TO: York County Board of Supervisors

FROM: James E. Barnett, County Attorney

SUBJECT: Proposed Amendment to County Code § 15-44—Procedure for Issuance of Summonses for Delinquent Parking Citations

Attached is a proposed ordinance amending County Code § 15-44. The primary reason for proposing the amendment is to delete the requirement for notification by registered mail prior to the issuance of a summons for a violation of a County parking ordinance. Such a notice is required by Code of Virginia § 46.2-941, and must advise the owner of the vehicle that the fine can be paid without the need for a court appearance within five days of receipt of the notice. The statute does not, however, require that the notice be sent by registered mail, and the County Treasurer points out that the cost of sending a notice by registered mail is currently \$9.09. Given that County Code § 15-47 imposes only a \$10.00 fine for most parking violations provided that the offender waives his right to appear at trial, the cost of sending the notice by registered mail appears prohibitive. At the request of the Treasurer, I have proposed deleting the word "registered" in the third line of subsection (b) of § 15-44.

While we are at it, I have also proposed two other modifications to make our code consistent with recent changes to Code of Virginia § 46.2-941, by referring to the "Department of Motor Vehicles" instead of the "division of motor vehicles," and by requiring that the words "law enforcement notice" which are to be stamped on the face of the envelope bearing the notice be printed in 14 point or larger type.

I recommend the adoption of attached Ordinance No. 01-17.

Barnett/3340

Attachment

- Ordinance No. 01-17